

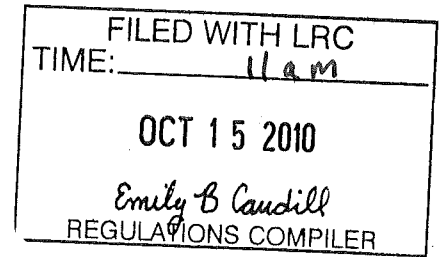
301 KAR 2:222

Waterfowl hunting requirements on public lands

This administrative regulation establishes waterfowl seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 CFR Part 20 according to the U.S. Fish and Wildlife Service (USFWS).

Significant Changes

Each fall the U.S. Fish and Wildlife Service issues a federal mandate establishing frameworks for waterfowl hunting seasons in the United States. This amendment reflects the federal mandate regulations for waterfowl hunting within the requirements of the Migratory Bird Treaty Act. This amendment redefines waterfowl hunt sites versus waterfowl blinds on public land, adjusts some hunt dates due to calendar shift, adjusts youth-mentor hunt dates on fish hatchery property, and adjusts hunting procedures and hunting pressure on some properties.



1 TOURISM, ARTS AND HERITAGE CABINET

2 Kentucky Department of Fish and Wildlife Resources

3 (Emergency Amendment)

4 301 KAR 2:222. Waterfowl hunting requirements on public lands.

5 RELATES TO: KRS 150.010(40), 150.305(1), 150.330, 150.340(1), (3), 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department
8 to promulgate administrative regulations to establish open seasons for the taking of wildlife and
9 to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking
10 wildlife. KRS 150.600(1) [~~150.600~~] authorizes the department to regulate the taking of
11 waterfowl on public and private land. This administrative regulation establishes procedures for
12 the taking of waterfowl within reasonable limits and within the frameworks established by 50
13 C.F.R. Parts 20 and 21.

14 Section 1. Definitions. (1) "Blind" means a:

15 (a) Concealed enclosure;

16 (b) Pit; or

17 (c) Boat.

18 (2) "Hunt [~~"Blind~~] site" means a specific location where waterfowl hunting is allowed, as
19 approved by the department or the U.S. Army Corps of Engineers.

20 (3) "Department blind" means a permanently fixed blind structure built by the department.

21 (4) "Layout blind" means a portable blind that when fully deployed allows one (1) person to be

concealed above the surface of the ground.

(5) "Party" means:

(a) A person hunting alone; or

(b) Two (2) to four (4) people who share a department blind or hunt [~~blind~~] site.

(6) "Permanent blind" means a blind left in place by a waterfowl hunter longer than twenty-four (24) hours.

(7) "Regular waterfowl season" means the open waterfowl season that does not include the Light Goose Conservation Order or [~~for~~] the September wood duck, teal, and Canada goose seasons as established in 301 KAR 2:221 and 2:225. [~~2:221.~~]

(8) "Waterfowl" is defined in KRS 150.010(40).

(9) "Wildlife Management Area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) that has "Wildlife Management Area" or "WMA" as part of its official name.

Section 2. Shot requirements. A person hunting waterfowl shall not use or possess a shotgun shell:

(1) Longer than three and one-half (3 1/2) inches; or

(2) Containing:

(a) Lead shot;

(b) Shot not approved by the U.S. Fish and Wildlife Service for waterfowl hunting; or

(c) Shot larger than size "T".

Section 3. (1) Except as specified in this section or in Section 4 [~~5~~] of this administrative regulation, on a Wildlife Management Area:

- 1 (a) A person hunting waterfowl shall not:
- 2 1. Establish or hunt from a permanent waterfowl blind;
- 3 2. Hunt within 200 yards of:
- 4 a. Another occupied hunt site;
- 5 b. Another legal waterfowl hunting party; or
- 6 c. An area closed to waterfowl hunting. ~~[not establish or hunt from:~~
- 7 ~~1. A permanent waterfowl blind; or~~
- 8 ~~2. A waterfowl blind within 200 yards of:~~
- 9 a. ~~Another waterfowl blind; or~~
- 10 b. ~~A waterfowl refuge;]~~
- 11 (b) A person shall not hunt in a designated recreation area or access point;
- 12 (c) More than four (4) persons shall not occupy a waterfowl blind or hunt site; ~~[blind;]~~ and
- 13 (d) A hunter shall remove decoys and personal items daily, except that a hunter drawn for a
- 14 multiday hunt may choose to leave decoys in place for the duration of the hunt.
- 15 (2) A person wanting to establish or use a permanent waterfowl blind or hunt ~~[blind]~~ site on Lake
- 16 Barkley, Barren River Lake, Buckhorn Lake, Green River Lake, Nolin River Lake, Paintsville
- 17 Lake, Rough River Lake, Sloughs, or Doug Travis Wildlife Management Areas:
- 18 (a) Shall first obtain a waterfowl blind permit from the U.S. Army Corps of Engineers or the
- 19 department;
- 20 (b) May designate one (1) other person as a partner; and
- 21 (c) Shall not hold more than one (1) permit per area.
- 22 (3) A person who participates in a drawing for a hunt site ~~[WMA blind]~~ permit shall:
- 23 (a) Be at least eighteen (18) years of age; and

(b) Possess:

1. A valid Kentucky hunting license;
2. A Kentucky waterfowl permit; and
3. A federal duck stamp.

(4) The holder of a hunt site [~~waterfowl blind~~] permit shall:

(a) Construct or establish the blind or hunt [~~blind~~] site before November 20 or forfeit the permit;

(b) Not lock a waterfowl blind; and

(c) Remove the blind and blind materials within thirty (30) days after the close of the regular waterfowl season or be ineligible for a permit the following year, unless an extension of time is granted by the department based on weather or water level conflicts.

(5) A permanent blind, department blind, or hunt [~~blind~~] site not occupied by the permit holder

one (1) hour before sunrise shall be available to another hunter on a first-come, first-served basis.

(6) A waterfowl blind restriction established in this section shall not apply to a falconer if a gun or archery season is not open.

Section 4. Wildlife Management Area Requirements. (1) The regular waterfowl season provisions shall apply, as established in 301 KAR 2:221, except as established in this section.

(2) The provisions of this section shall not apply to a waterfowl hunting season that opens prior to October 15, as established in 301 KAR 2:225.

(3) A person shall not:

(a) Hunt on an area marked by a sign as closed to hunting;

(b) Enter an area marked by signs as closed to public access; or

(c) Hunt a species on an area marked by signs as closed to hunting for that species.

(4) On Wildlife Management Areas in Ballard County:

(a) The shotgun shell possession limit shall be fifteen (15), except that the shotgun shell possession limit shall be twenty-five (25) if:

1. The daily bag limit for ducks is greater than three (3); and
2. The daily bag limit for Canada goose is greater than or equal to two (2);

(b) At least one (1) person in a waterfowl blind shall be eighteen (18) years of age or older if hunting in a department waterfowl blind or hunt site at Ballard or Boatwright WMA.

(5) At Ballard WMA:

(a) The duck, coot, and merganser season shall be December 8 through January 30. ~~[9 through January 31.]~~

(b) The goose season shall be December 8 through January 30. ~~[9 through January 31.]~~

(c) Youth waterfowl season shall be the first full weekend in February.

(d) A person hunting waterfowl shall not hunt on Monday, Tuesday, Christmas Day, or New Year's Day.

(e) A person hunting waterfowl shall:

1. Apply for the waterfowl quota hunt as established in Section 6 of this administrative regulation;

2. ~~[Case his or her gun if using department-supplied transportation to and from a waterfowl blind;~~

~~3.]~~ Not hunt waterfowl on the Ohio River from fifty (50) yards upstream of Dam 53 to fifty (50) yards downstream from the southern border of Ballard Wildlife Management Area from October 15 through March 15; and

3. ~~[4.]~~ Exit the area by 2 p.m. during the regular waterfowl season, except as authorized by the department.

(6) At Boatwright WMA, including the Olmsted, Peal, and Swan Lake units:

(a) A party shall:

1. Not hunt on Monday, Tuesday, Christmas Day, or New Year's Day;

2. Obtain a daily check-in card by 8 a.m. before entering the area from December 8 through January 30. [~~9 through January 31.~~]

3. Check out the same day by:

a. Visiting the designated check [~~Check~~] station prior to 8 a.m.; or

b. Depositing the check-in card at a department-designated drop point after 8 a.m.

(b) Duck season shall be open one-half (1/2) hour before sunrise to sunset beginning Thanksgiving Day for four (4) consecutive days on areas of Boatwright WMA that are open to hunting.

(c) A department blind or hunt [~~blind~~] site shall be assigned through a daily drawing through January 30. [~~31.~~]

(d) A department blind or hunt [~~blind~~] site shall be offered to another hunter on a first-come, first-served basis, if the blind or hunt [~~blind~~] site has not been assigned during the daily drawing.

(e) Waterfowl hunters shall exit the area by 2 p.m. during the regular waterfowl season.

(f) A boat blind shall not be permitted in flooded timber, except:

1. During periods of flood if no other access is possible; or

2. A mobility-impaired hunter may hunt from a boat. [~~boat, and the 200-yard minimum distance restriction, as established in this section, shall not apply to a person assisting a mobility-impaired hunter.~~]

(g) A party shall only hunt waterfowl:

1. From a department blind; or

2. From layout blinds set so that all layout blinds in the party lie within a twenty-five (25) foot radius from the center of the party, and within 200 yards of a hunt [blind] site in December and January during the regular waterfowl season.

(h) On the Peal unit:

1. More than seven (7) parties shall not hunt at the same time on Buck Lake or Flat Lake;
2. More than four (4) parties shall not hunt at the same time on Fish Lake;
3. More than three (3) parties shall not hunt at the same time on First Lake or Second Lake;
4. A party shall not hunt waterfowl except within twenty-five (25) feet of a hunt [blind] site during December and January.

(i) On the Swan Lake Unit:

1. A person shall not hunt waterfowl from November 25 through December 5; ~~[26 through December 6;]~~

2. The area open to hunting during the regular waterfowl season shall be open for the Light Goose Conservation Order season as established in 301 KAR 2:221; and

3. Blind restrictions shall not apply to the Light Goose Conservation Order season.

(7) Lake Barkley WMA.

(a) A permanent blind shall only be established within ten (10) yards of a hunt [blind] site;

(b) Waterfowl refuge areas:

1. The area west of the Cumberland River channel, as marked by buoys, between river mile fifty-one (51), at Hayes Landing Light, south to the Tennessee Valley Authority's power transmission lines at river mile fifty-five and five-tenths (55.5) shall be closed from November 1 through February 15; and

2. The area within Honker Bay and Fulton Bay, as marked by buoys and signs, shall be closed

from November 1 through March 15.

(c) A person shall not hunt from October 15 through March 15:

1. On Duck Island; or

2. Within 200 yards of Duck Island.

(8) Barren River Lake WMA. A person hunting waterfowl:

(a) May use a breech-loading shotgun along the shoreline of the Peninsula Unit; and

(b) Shall not use a breech-loading firearm to take waterfowl elsewhere on the area.

(9) Miller Welch-Central Kentucky WMA. A person shall not hunt waterfowl from October 15 through January 14.

(10) Lake Cumberland WMA. The following sections shall be closed to the public from October 15 through March 15:

(a) The Wesley Bend area, bounded by Fishing Creek, Beech Grove Road and Fishing Creek Road; and

(b) The Yellowhole area, bounded by Fishing Creek Road and Hickory Nut Road.

(11) Pioneer Weapons WMA. A person hunting waterfowl:

(a) May use a breech-loading shotgun along the shoreline of Cave Run Lake; and

(b) Shall not use a breech-loading firearm elsewhere on the area.

(12) Doug Travis WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) A person hunting waterfowl shall exit the area by 2 p.m. during waterfowl season, except as authorized by the department.

(c) On Black Lake, Fish Lake, Forked Lake, Indian Camp Lake, Number Four Lake and Upper Goose Lake, [~~Forked Lake, Indian Camp Lake, Fish Lake, Number Four Lake, and Black Lake,~~]

- 1 all waterfowl hunting after November 1:
- 2 1. Shall be from hunt [~~blind~~] sites assigned by a random preseason drawing; and
- 3 2. Shall be within ten (10) yards of a hunt [~~blind~~] site, including periods of Mississippi River
- 4 flooding.
- 5 (13) Grayson Lake WMA. A person shall not hunt waterfowl:
- 6 (a) Within the no-wake zone at the dam site marina;
- 7 (b) From the shore of Camp Webb;
- 8 (c) On Deer Creek Fork; and
- 9 (d) Within three-quarters (3/4) of a mile from the dam.
- 10 (14) Green River Lake WMA. Shooting hours shall be one-half (1/2) hour before sunrise until 2
- 11 p.m.
- 12 (15) Kaler Bottoms WMA. Shooting hours shall be one-half (1/2) hour before sunrise until 2
- 13 p.m.
- 14 (16) Land Between the Lakes National Recreation Area.
- 15 (a) The following portions shall be closed to the public from November 1 through March 15:
- 16 1. Long Creek Pond;
- 17 2. The eastern one-third (1/3) of Smith Bay, as marked by buoys; and
- 18 3. The eastern two-thirds (2/3) of Duncan Bay, as marked by buoys;
- 19 (b) The following portions shall be closed to waterfowl hunting:
- 20 1. The Environmental Education Center; and
- 21 2. Energy Lake.
- 22 (c) A person shall possess an annual Land Between the Lakes Hunting Permit if hunting
- 23 waterfowl:

1. Inland from the water's edge of Kentucky Lake or Barkley Lake; or

2. From a boat on a flooded portion of Land Between the Lakes when the lake level is above elevation 359.

(d) A person shall not hunt waterfowl on inland areas during a quota deer hunt.

(e) A person shall not establish or use a permanent blind:

1. On an inland area; or

2. Along the Kentucky Lake shoreline of Land Between the Lakes.

(f) A person hunting waterfowl shall remove decoys and personal items daily.

(17) Obion Creek WMA. Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(18) Ohio River Islands WMA.

(a) A person shall not hunt from October 15 through March 15 on the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to the power line crossing at approximately river mile 911.5.

(b) Stewart Island shall be closed to public access from October 15 through March 15, except for those drawn for a quota deer hunt.

(c) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(19) Peabody WMA.

(a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(b) The following areas, as posted by signs, shall be closed to the public from October 15 through March 15:

1. The Sinclair Mine area, bounded by Hwy 176, the haul road, and Goose Lake Road; and

2. The Ken area, bounded by Wysox Road, H2 Road, H1 Road, and H6 Road.

(20) Robinson Forest WMA. The main block of the WMA shall be closed to waterfowl hunting.

- 1 (21) Sloughs WMA.
- 2 (a) Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.
- 3 (b) A person hunting waterfowl shall exit the area by 2 p.m. during the regular waterfowl season.
- 4 (c) On the Grassy-Pond Powell's Lake Unit, a person hunting waterfowl:
- 5 1. Shall hunt:
- 6 a. From a department blind; or
- 7 b. From a blind within twenty-five (25) yards of a hunt ~~[blind]~~ site.
- 8 2. Shall remove decoys and personal items from the area on a daily basis.
- 9 (d) On the Jenny Hole-Highlands Creek Unit, a person hunting waterfowl
- 10 1. Shall hunt:
- 11 a. From a department blind;
- 12 b. Within twenty-five (25) yards of a hunt site; or ~~[From a blind within twenty-five (25) yards of~~
- 13 ~~a blind site; or]~~
- 14 c. No ~~[From a blind that is no]~~ closer than 200 yards of another hunting party.
- 15 2. Shall remove decoys and personal items from the area on a daily basis.
- 16 (e) If the Ohio River reaches a level that requires boat access, a waterfowl hunter:
- 17 1. May hunt from a boat without regard to department blinds; and
- 18 2. Shall not hunt closer than 200 yards from another boat.
- 19 (f) A person hunting waterfowl on the Crenshaw and Duncan Tracts of the Sauerheber Unit:
- 20 1. Shall hunt from a blind assigned by the department through a drawing as established in
- 21 Section 6 of this administrative regulation;
- 22 2. May occupy a permitted blind if not claimed by the permittee within one (1) hour before
- 23 sunrise;

3. Shall not possess more than fifteen (15) shotgun shells, except that the shotgun shell possession limit shall be twenty-five (25) if:

(a) The daily bag limit for ducks is greater than three (3); and

(b) The daily bag limit for Canada goose is greater than or equal to two (2);

4. Shall be accompanied by an adult if under eighteen (18) years of age; and

5. The waterfowl blind for a mobility-impaired person shall be open to the public if the permit holder or another mobility-impaired person has not claimed the blind on that day by one (1) hour before sunrise.

(g) The Crenshaw and Duncan II tracts of the Sauerheber Unit shall be closed to hunting except for:

1. Waterfowl from November 1 through March 15; and

2. The modern gun deer season.

(h) The remainder of the Sauerheber Unit shall be closed to the public from November 1 through March 15.

(22) South Shore WMA.

(a) The WMA shall be closed to hunting from November 15 through January 15, except for quota waterfowl hunting and dove hunting.

~~(b) [The quota hunt shall require advance application and selection.~~

~~(e)]~~ A hunter shall use a department blind.

(c) ~~[(d)]~~ A department blind shall be allocated by a preseason drawing.

(23) Taylorsville Lake WMA. Shooting hours shall be one-half (1/2) hour before sunrise until 2 p.m.

(24) Yatesville Lake WMA. The following areas shall be closed to waterfowl hunting, unless

authorized by Yatesville Lake State Park:

(a) The Greenbrier Creek embayment; and

(b) The lake area north from the mouth of the Greenbrier Creek embayment to the dam, including the island.

(25) Yellowbank WMA. The area designated by a sign and painted boundary marker shall be closed to the public from October 15 through March 15.

Section 5. (1) A person applying to hunt waterfowl on Ballard WMA or the Sauerheber Unit of Sloughs WMA shall:

(a) Apply through the vendor supplied by the department by calling 1-877-598-2401

(b) Apply from September 1 through September 30;

(c) Pay a three (3) dollar application fee for each application; and

(d) Not apply more than one (1) time for each hunt.

(2) A person drawn to hunt may bring up to three (3) additional hunters.

(3) A person shall be declared ineligible to hunt in department waterfowl quota hunts during the remaining portion of the waterfowl season and declared ineligible to apply for any department quota hunt the following year if the hunter violates state or federal regulations while waterfowl hunting on WMAs that have a preseason or daily drawing.

Section 6. State Parks. (1) Waterfowl hunting shall be prohibited, except there shall be an open waterfowl hunt December 13 through January 31 on designated areas of Barren River, Grayson Lake, Greenbo Lake, Lake Barkley, Lincoln Homestead, Nolin Lake, Paintsville Lake, Pennyrile Lake, Rough River Lake, and Yatesville Lake State Parks.

(2) Hunters shall check in each day at the front desk of the state park or a designated check-in location on days that the park office is not open.

(3) During check-in hunters shall be provided a map showing designated areas of the park that are open to waterfowl hunting.

(4) Hunters shall check out each day at the front desk of the state park or at a designated check-out location on days that the park office is not open.

(5) Statewide waterfowl hunting requirements shall apply.

Section 7. Youth-Mentor and Mobility-Impaired Waterfowl Hunts. (1) There shall be youth-mentor waterfowl hunts on the Minor Clark and Peter W. Pfeiffer fish hatcheries:

(a) The last Sunday in December;

(b) The first Saturday in January;

(c) The first Sunday in January;

(d) The fourth Saturday in January;

(e) The fourth Sunday in January;

(f) The fifth Saturday in January; and

(g) The fifth Sunday in January.

~~[(a) The last Saturday in December;~~

~~(b) The last Sunday in December;~~

~~(c) The first Saturday in January;~~

~~(d) The first Sunday in January;~~

~~(e) The fourth Saturday in January;~~

~~(f) The fourth Sunday in January;~~

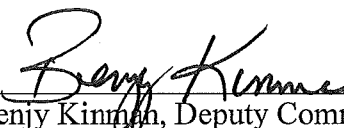
~~(g) The fifth Saturday in January; and~~


~~(h) The fifth Sunday in January.]~~

(2) There shall be a mobility-impaired waterfowl hunt at Minor Clark Fish Hatchery that is held

- 1 concurrently with each youth-mentor hunt.
- 2 (3) A youth or mobility-impaired person shall register in advance and carry a department
3 provided postcard notification on the day of the hunt.
- 4 (4) A mobility-impaired person shall also submit a mobility-impaired access permit.
- 5 (5) Each youth shall be accompanied by an adult who is eighteen (18) years or older.
- 6 (6) Each youth shall not be accompanied by more than one (1) adult.
- 7 (7) One (1) adult may accompany two (2) youths.
- 8 (8) A mobility-impaired hunter may be accompanied by no more than one (1) assistant who may
9 also hunt.
- 10 (9) A person shall hunt from an established blind and shall not change blinds.
- 11 (10) A blind shall not be used by more than four (4) hunters.
- 12 (11) A person shall only discharge a firearm from a blind.
- 13 (12) A person shall not possess more than fifteen (15) shotshells.
- 14 (13) A waterfowl hunter, mentor, or assistant shall immediately retrieve downed birds.
- 15 (14) A person shall encase a firearm if traveling to and from a-blind.
- 16 (15) Hunting shall end at noon, and hunters shall exit the area by 1 p.m.
- 17 (16) All decoys and equipment shall be removed at the end of each day's hunt.
- 18 (17) A hunter shall report harvest by depositing a completed hunt permit at the designated
19 location.

Approved by the Fish and Wildlife Commission August 13, 2010.

 10/11/10
Benjy Kinnaman, Deputy Commissioner, for
Dr. Jonathan Gassett, Commissioner
Department of Fish and Wildlife Resources

 10/12/10
Marcheta Sparrow, Secretary
Tourism, Arts and Heritage Cabinet

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 22, 2010, at 3 p.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by November 30, 2010.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Rose Mack
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-9136

Regulatory Impact Analysis And Tiering Statement

301 KAR 2:222. Waterfowl Hunting Requirements on Public Lands

Contact Person: Rose Mack

- (1) Provide a brief summary of:
 - (a) What the administrative regulation does: This administrative regulation establishes waterfowl seasons, bag limits and requirements on public lands within federal migratory bird hunting frameworks established in 50 CFR Part 20 according to the U.S. Fish and Wildlife Service.
 - (b) The necessity of the administrative regulation: The necessity of this administrative regulation is to establish the 2010–2011 waterfowl hunting requirements in accordance with the U.S. Fish and Wildlife Service and Kentucky Department of Fish and Wildlife Resources management objectives.
 - (c) How does this administrative regulation conform to the authorizing statute: KRS 150.025 authorizes the department to establish hunting season dates, bag limits and other hunting requirements. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land.
 - (d) How will this administrative regulation assist in the effective administration of the statutes: By establishing waterfowl hunting seasons and area-specific requirements, this administrative regulation is maintaining and managing waterfowl conservation efforts consistent with state, national and international management goals, and within the statutory authority.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change the existing administrative regulation: Each fall the U.S. Fish and Wildlife Service issues a federal mandate establishing frameworks for waterfowl hunting seasons in the United States. This amendment reflects the federal mandate regulations for waterfowl hunting within the requirements of the Migratory Bird Treaty Act. This amendment redefines waterfowl hunt sites versus waterfowl blinds on public land, adjusts some hunt dates due to calendar shift, adjusts youth-mentor hunt dates on fish hatchery property, and adjusts hunting procedures and hunting pressure on some properties.
 - (b) The necessity of the amendment to this administrative regulation: The necessity of the amendment to this administrative regulation is to implement the federal framework mandates from the U.S. Fish and Wildlife Service and effectively manage public hunting pressure on public lands, conserve the waterfowl resource, and provide adequate public hunting opportunity with minimal area use conflict.
 - (c) How does the amendment conform to the authorizing statutes: See (1)(c) above.
 - (d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.
- (3) List the type and number of individuals, businesses, organizations or state and local governments that will be affected: There are approximately 20,000 waterfowl hunters in Kentucky that may be affected by this administrative regulation.

- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new or by the change, if it is an amendment, including:
 - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendments in season dates and hunting requirements will be published in the fall waterfowl hunting guide and on the department's website. Hunters will have to review the hunting guide or website for the updated information to hunt legally during the specified season.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional or amended costs to those identified in question (3).
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be continued opportunity for quality waterfowl hunting on public areas.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
 - (a) Initially: This administrative regulation change will result in no additional cost to the Kentucky Department of Fish and Wildlife Resources to administer.
 - (b) On a continuing basis: There will be no additional cost on a continuing basis.
- (6) What is the source of funding to be used for implementation and enforcement of this administrative regulation? The source of funding is the State Game and Fish fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment. It will not be necessary to increase any other fees or funding to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees directly or indirectly increases any fees: No new fees will be established.
- (9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 301 KAR 2:222

Contact Person: Rose Mack

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)?

Yes X No

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife. KRS 150.360(1) authorizes the department to promulgate administrative regulations to restrict the methods for the taking of wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on private and public land.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 CFR Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.
2. State compliance standards. The Department of Fish and Wildlife Resources sets migratory birds seasons which are within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 CFR Part 20, 21.
3. Minimum or uniform standards contained in the federal mandate. 50 CFR Part 20 contains season frameworks for the following: earliest opening and latest closing date, maximum number of days a specie(s) is open to hunting, and daily bag and possession limits. 50 CFR Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the maximum frameworks and requirements permitted under the federal regulations. States are permitted to be more restrictive but not more liberal in their respective regulations. State management objectives necessitate more restrictive regulations to protect local, regional and/or state stocks of birds important to Kentucky's waterfowl hunters. The greatest wintering and migrating waterfowl concentrations are located on public wetlands managed by KDFWR. KDFWR imposes more restrictive hunting regulations on these lands in effort to meet international waterfowl management objectives while still providing quality hunting opportunity consistent with waterfowl population ob